

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC. 20554

In the Matter of

Amendment of Section 1.17 of the)	
Commission's Rules Concerning)	GC Docket No. 02-37
Truthful Statements to the)	
Commission)	
)	

To: The Commission

COMMENTS of Nickolaus E. Leggett

The following are comments from Nickolaus E. Leggett. **Nickolaus E. Leggett** is an amateur extra class radio operator (call sign N3NL), inventor, and a certified electronics technician. He is writing from his perspective as a political scientist (The Johns Hopkins University, Master of Arts in Political Science – 1970).

My comments are directed at the Commission's question: " we seek comment on whether certain classes of proceedings (e.g., rulemakings or other non-adjudicatory proceedings not involving specific parties) should be subject to the rule only when deceptive intent is involved."

The proposed rule should only be applied to deceptive intent in rulemakings. Section 1.17 (b) should be modified to specify clearly that negligence does not apply to rulemakings. This change is necessary because rulemakings address policy choices and it is extraordinarily difficult to determine negligence in argumentation about policy choices. This difficulty arises from the fact that policy choices involve values, priority preferences, and political activity. Each party submitting petitions and comments to the Commission has different

perceptions of the policy world. One person's "negligence" is another person's rational reality.

For example, many FCC proceedings, such as ownership caps for broadcast stations, generate strong differences in views due to the differences in the values and political orientations of the commentators. Where is the negligence in this? These are real and honest differences in opinion and philosophy.

Even in the supposedly simpler electronics engineering subjects there is a wide and passionate difference of opinion as to what the facts really are. The recent FCC proceedings on Low Power FM broadcasting and Ultra-wideband devices show examples of this.

The presence of a negligence rule for rulemaking proceedings would discourage individuals and small organizations from submitting petitions and comments to the Commission. These organizations and individuals do not have the financial resources to defend themselves legally if they are accused of submitting negligent statements to the Commission. We do not want to discourage the citizen and small groups from participating in FCC proceedings. American democracy requires that they be included in the rulemaking proceedings along with the larger organizations and corporations.

Respectfully Submitted,

Nickolaus E. Leggett
N3NL Amateur Radio
1432 Northgate Square, Apt. 2A
Reston, VA 20190-3748
(703) 709-0752
nleggett@earthlink.net

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